

TROY LAW, PLLC

ATTORNEYS/COUNSELORS AT LAW

Tel: 718.762.1324 johntroy@troypllc.com Fax: 718.762.1342

41-25 Kissena Blvd., Suite 110, Flushing, New York 11355

March 8, 2024

Via ECF

Hon. John C. Cronan, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Plaintiffs Request for Extension of Time to File Motion for Default

Gao v. Savour Sichuan Inc., No. 19-cv-02515 (JPC) (S.D.N.Y.)

Your Honor,

We represent Plaintiff in the above-referenced matter. We write in regard to Your Honors Order dated February 16, 2024, that plaintiff shall move for Default Judgement against defendants La Vie En Szechuan Restaurant Corp and Yi Zhang by March 8, 2024. Plaintiff respectfully request for an additional week to move for default judgement against defendants La Vie En Szechuan Restaurant Corp and Yi Zhang. Plaintiff has reached out to defense counsel and has not heard anything back from them. This is plaintiff's first request and granting such request will not prejudice any party in the above referenced matter.

Plaintiff requests a brief adjournment for there is an outstanding issue that plaintiff is waiting a response on from plaintiff's previous counsel. The issue at hand is whether defendant Yi Zhang was served with the Third Amended Complaint in the matter for there seem to be no Affidavit of Service filed to that extent on the docket. Plaintiff's counsel has reached out to the previous counsel on whether they actually served defendant Yi Zhang and if they just forgot to file the affidavit of service or if they did not serve Yi Zhang. Depending on the answer that previous counsel will dictate if plaintiff moves for default against defendants La Vie En Szechuan Restaurant Corp and Yi Zhang. The court should find that plaintiffs request will not prejudice any party in the matter for there are no pending deadlines in the case and plaintiff only requests a brief extension so they can obtain vital information that will assess in their next steps.

For the reasons stated above, plaintiffs respectfully request for a brief extension of time of one week to file their motion for default judgement against La Vie En Szechuan Restaurant Corp and Yi Zhang, meaning that the time to move for default will be extended from March 8, 2024, to March 14, 2024.

We thank the Court for its time and consideration in this matter.

Respectfully submitted,

/s/ John Troy, Esq.

John Troy

Judge John P. Cronan

Gao v. Savour Sichuan Inc et al; 19-cv-02515 (JPC) (S.D.N.Y.)

June 17, 2023

Page 2 of 3

cc: all counsel of record *via* Ecf

JT/gd

The request is granted. Plaintiff may file her default judgment by today, March 14, 2024. Plaintiff is further directed to serve her motion for default judgment and any supporting papers on Defendants La Vie En Szechuan Restaurant Corp. and Yi Zhang ("Defendants") by March 21, 2024, and to file an Affidavit of Service on ECF by March 25, 2024. Defendants shall file any opposition no later than April 8, 2024, and Plaintiff shall reply no later than April 15, 2024.

It is further ordered that Defendants appear before this Court and show cause as to why an order granting a default judgment against them should not be issued. That hearing shall take place on May 1, 2024, at 10:30 a.m. in Courtroom 12D of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007. In the event that Defendants do not appear, Plaintiff's counsel should be prepared to discuss any communications with Defendants or representatives for Defendants regarding their litigation and any intent to challenge the suit, including discussions about the alleged illegal conduct prior to the filing of the lawsuit; how Defendants were served with the Summons and Complaint and this Order; why Plaintiff's counsel is confident that Defendants have been served with those documents and received notice of the hearing; and the method for calculating damages.

Finally, Plaintiff is ordered to serve Defendants via overnight courier with a copy of the instant Order also by March 21, 2024. Within two business days of that service, Plaintiff shall file proof of such service on the docket.

SO ORDERED.

March 14, 2024

New York, New York



JOHN P. CRONAN

United States District Judge